

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA  
  
V.  
  
SCOTT CONZELMANN

CASE NO: 1:11CR35  
  
ORDER ON MOTION FOR  
REDUCTION IN SENTENCE  
UNDER 18 U.S.C. § 3582(c)(1)(A)  
  
(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors set forth in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission to the extent they are relevant to whether a deduction is warranted (and, if so, the amount of the reduction),

IT IS ORDERED that the motion is:

☐ GRANTED

☐ The defendant's previously imposed sentence of imprisonment of \_\_\_\_\_ is reduced to \_\_\_\_\_; or

☐ Time served:

- ☐ The defendant is to remain in Bureau of Prisons custody until the defendant's residence can be verified *or* a release plan can be developed. Additional custody shall not exceed \_\_\_\_\_ days unless extended by the Court, or
- ☐ An appropriate release plan is in place and the defendant shall be released immediately.

### SUPERVISED RELEASE

- ☐ The defendant's term of supervised release is unchanged.
- ☐ The defendant's term of supervised release is changed from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ The defendant's conditions of supervised release are unchanged.
- ☐ The defendant's conditions of supervised release are modified as follows:

---

---

---

---

---

---

---

---

---

---

☐ DEFERRED pending supplemental briefing and/or a hearing. The court DIRECTS the United States Attorney to file a response on or before \_\_\_\_\_, along with all Bureau of Prisons records [medical, institutional, administrative] supporting the approval or denial of this motion.

☒ DENIED after complete review of the motion on the merits.

#### ☒ FACTORS CONSIDERED (Optional)

Defendant has not presented an extraordinary and compelling reason for a sentence reduction. As an initial matter, he does not elaborate on any health concerns he has in light of the COVID-19 pandemic. Rather, his concerns seem to be based on the presence of the virus alone, which is not enough. Moreover, Defendant received a vaccination against the virus, mitigating whatever risks he faced. Defendant's second stated reason - difference in sentencing law - is similarly inadequate. Defendant could not attack his sentence in a typical fashion (i.e., under section 2255, *see Bullard v. United States*, 937 F.3d 654 (6th Cir. 2019)), and the Court will not render typical procedures useless by authorizing section 3582(c)(1)(A) as an "end run around." *See United States v. Tomes*, 990 F.3d 500, 505 (6th Cir. 2021). Since no extraordinary and compelling reason for a reduction in sentence exists, the Court **DENIES** Defendant's Motion (Doc. 65).

☐ DENIED WITHOUT PREJUDICE for failure to exhaust remedies (failure to fully exhaust all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf; the lapse of 30 days from the receipt of such a request by the Warden, whichever is earlier).

IT IS SO ORDERED.

4/13/2021

DATE

s/ Christopher A. Boyko

SENIOR UNITED STATES DISTRICT JUDGE